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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/804,198	03/13/2001	Rikuro Obara	2523-061	9185

7590 04/28/2003

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EXAMINER

BELENA, JOHN F

ART UNIT	PAPER NUMBER
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3746

DATE MAILED: 04/28/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,198

Applicant(s)

OBARA, RIKURO

Examiner

John F. Belena, Ph.D.

Art Unit

3746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on R.C.E. filing on 02/24/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2-5 and 7-10 is/are allowed.
- 6) ☒ Claim(s) 1 and 6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 9.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.



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DETAILED ACTION

CLAIM REJECTIONS - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1 & 6** are rejected under 35 U.S.C. 102(b) as being anticipated by (4,663,549) to Suzuki.

Suzuki, Figures 7A, 7B & 8, disclose according to applicant's twice-amended **claim 1** in office action paper no. 6, a blower having an impeller

(12) rotated by means of a motor {(7), (8)}, comprising: a base (20) for supporting the motor {(7), (8)} in a frame, the base (20) provided at a central portion of the frame and supported at the central portion of the frame by stays (20); and a chamber with a front (24) and back {Space above (25)} portion formed in the base (20) for accommodating electrical components, the back {Space above (25)} portion of the chamber is sealed by a removable cover (23). See Suzuki, Figures 7A, 7B & 8, and respective portions, abstract, col. 3 lines 32-68 and col. 4 lines 1-12, of the detailed description.

Suzuki, Figures 7A, 7B & 8, disclose according to applicant's twice-amended **claim 6** in office action paper no. 6, a blower having an impeller (12) rotated by means of a motor {(7), (8)}, comprising: a base (20) for supporting the motor {(7), (8)} in a frame, the base (20) provided at a central portion of the frame and supported at the central portion of the frame by means of stays (20); and a chamber with a front (24) and back {Space above (25)} portions formed in the base (20) for accommodating electrical components, the chamber having an opening at the rear portion thereof,

wherein the rear opening of the chamber is occluded by a {clip-on} cover (23) detachably mounted on the base. See Suzuki, Figures 7A, 7B & 8, and respective portions, abstract, col. 3 lines 32-68 and col. 4 lines 1-12, of the detailed description.

****The claims were examined with the broadest reasonable interpretation of the claimed structural/functional subject matter. A proper and acceptable response to this office action requires addressing all issues/objections/rejections invoked in this office action.****

ALLOWABLE SUBJECT MATTER

3. The following proposed claim amendment by the examiner, considered to distinguish patentably over the art of record in this application is based on **thrice-amended claim 1** from office action paper no. 6, as presented to applicant for consideration as follows: --1. **(Proposed Amendment)** A blower having an impeller rotated by means of a motor, comprising: a base for supporting the motor in a frame, the base provided at a central portion of the frame and supported at the central portion of the frame by stays; and a chamber with a front and back portion formed in the

base wherein the chamber is formed by the base having a flange extending to form the back portion from an outer periphery thereof forming a body with a closed end for accommodating electrical components, the back portion of the chamber is sealed by a removable cover mounted by screws on the base. —

4. The following proposed claim amendment by the examiner, considered to distinguish patentably over the art of record in this application is based on **twice-amended claim 6** from office action paper no. 6, as presented to applicant for consideration as follows: --6. **(Proposed Amendment)** A blower having an impeller rotated by means of a motor, comprising: a base for supporting the motor in a frame, the base provided at a central portion of the frame and supported at the central portion of the frame by means of stays; and a chamber with a front and back portions formed in the base wherein the chamber is formed by the base having a flange extending to form the back portion from an outer periphery thereof forming a body with a closed end for accommodating electrical components, the chamber having an opening at the rear portion thereof,

wherein the rear opening of the chamber is occluded by a cover detachably mounted by screws on the base.--

5. Original claims 5, 7 & 9 are allowed.
6. Original twice-amended claims 2-4 as per office action paper no. 6, are allowed.
7. Original amended claims 8 & 10 as per office action paper no. 6, are allowed

CONCLUSION

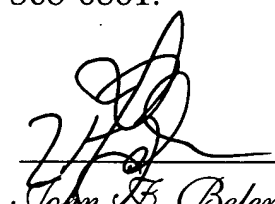
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following selected patents and technical literature is cited to further show the state of the art in fan blowers and related technology in general where the not all obvious salient features of the patents are disclosed as follows:

- US Patent No. 4,659,290 to Kundert discloses a fan speed controller housing using screws to mount rear cover.

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9. Any inquiry concerning this communication from the examiner should be directed to **John F. Belena, Ph.D.** whose telephone number is (703) 305-3533. The examiner can normally be reached on Monday through Thursday from 9:00 AM to 5:00 PM. The examiner can also be reached on alternate Fridays from 9:00 AM to 5:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the **examiner's supervisor, Timothy S. Thorpe**, can be reached on (703) 308-0102. The fax number for this Group Art Unit 3746 is (703) 872-9302. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group Art Unit 3746 receptionist whose telephone number is (703) 308-0861.



John F. Belena, Ph.D.
GAU 3746
4/22/03



CHARLES G. FREAY
PRIMARY EXAMINER

